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**OFFICE OF PETITIONS  
ON PETITION**

In re Application of  
Joe W. Gray et al.  
Application No. 10/616,403  
Filed: July 8, 2003  
Attorney Docket No.: 020370-139300US

This decision is in response to the petition filed December 28, 2006, to withdraw the holding of abandonment for the above-identified application. The petition is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on July 5, 2006, for failure to timely submit a timely response to the Restriction Requirement mailed June 1, 2006, which set a thirty day period for reply. Accordingly, a Notice of Abandonment was mailed December 15, 2006.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response and a five month extension of time request, both of which bear a certificate of mail dated December 1, 2006, pursuant to 37 CFR 1.8.

A search of the application file and the USPTO records does not reveal that the response was filed but, the evidence submitted corroborates a timely response to the restriction requirement.

Accordingly, the Notice of Abandonment mailed December 15, 2006 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 1643 for appropriate action on the amendment filed December 1, 2006, a copy of which was submitted with the instant petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

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